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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I, Sharon Nance, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: June 29, 2004

By Sharon Nance

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

JUL 12 2004

TECH CENTER 1600/2900

Applicant(s): Woodrow C. Monte      Docket No.: 56570.00002  
Application No.: 10/068,750      Group Art Unit: 1615  
Filing Date: February 5, 2002      Examiner: Carlos A. Azpuru  
TITLE: PROBIOTIC/PREBIOTIC COMPOSITION AND DELIVERY METHOD

**TRANSMITTAL OF RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Herewith is a response in the above-identified application to the Office Action mailed on December 29, 2003. Applicant hereby petitions, pursuant to 37 C.F.R. §1.136, that the shortened statutory response period be extended for three (3) months until June 29, 2004. The fee set forth in 37 C.F.R. §1.17 is enclosed.

[ ] Applicant asserts "small entity" status under 37 C.F.R. §§1.9 and 1.27.

[ ] A verified statement to establish small entity status under 37 C.F.R. §§1.9 and 1.27 is enclosed.

**FEE CALCULATION, CLAIMS AS AMENDED:**

	Claims remaining after amendment		Highest number previously paid for		Present Extra				Additional Fee
Total Effective Claims		minus	59	=		x	\$ 18.00	=	\$0.00
Independent Claims		minus	3	=		x	\$ 86.00		\$0.00
							Subtotal:		\$0.00

Subtotal: \$0.00

Fee Calculation: Request for extension of time pursuant to 37 C.F.R. §1.136(a)

<input type="checkbox"/>	Response filed within first month after due date – add	\$ 110.00
<input type="checkbox"/>	Response filed within second month after due date – add	\$ 420.00
<input checked="" type="checkbox"/>	Response filed within third month after due date – add	\$ 950.00
<input type="checkbox"/>	Response filed within fourth month after due date – add	\$1480.00
<input type="checkbox"/>	Response filed within fifth month after due date – add	\$2010.00

Subtotal: \$950.00

If one of the “small entity” boxes above is checked, enter half (1/2) of the second subtotal and subtract.

\$0.00

TOTAL ADDITIONAL FEE ENCLOSED: \$950.00

☒ Please charge Deposit Account No. 19-3878 in the amount of \$ 950.00.  
**A duplicate copy of this sheet is attached.**

☐ A Squire, Sanders & Dempsey L.L.P. check in the amount of \$ \_\_\_\_\_ is attached.

This statement does NOT authorize charge of the issue fee. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§ 1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-3878 for which purpose a duplicate copy of this sheet is attached.

Respectfully submitted,

Date: June 29, 2004

David E Rogers  
David. E. Rogers  
Reg. No. 38,287

(by direction  
*[Signature]*)

SQUIRE, SANDERS & DEMPSEY L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498  
(602) 528-4122  
# 281232

Application No. 10/068,750